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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,492	10/17/2003	Jin Chen Chuang	4124RK	4263
7590	05/20/2005		EXAMINER	
Jin Chen Chuang P.O. Box 63-99 Taichung, 406 TAIWAN			COLLADO, CYNTHIA F	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/689,492

Applicant(s)

CHUANG, JIN CHEN

Examiner

Cynthia Collado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Winchell'261 (US Patent No.4, 071,261).
3. Winchell'261 teaches a cambering vehicle having a front column for supporting a front wheel (see tubular column 16 in figure 1), a left and right trailing arm each including a front portion pivotally attached to said front column (see trailing arms 30 and 32 in figure 1), and each including a rear portion having a rear wheel attached thereto, and each including a foot pedal disposed thereon to support users (see elements 40 and 41 of Figure 1), and a link including two ends coupled to said left and said right trailing arms respectively, and including an intermediate portion coupled to said front column, to allow said left and said right trailing arms to be operated by said front column (see in Figure 1, elements 56 and 58).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by

Feng'694 (US Patent No.6, 851,694).

Regarding claims 1 and 2, Feng'694 teaches a cambering vehicle having a front column for supporting a front wheel (see Figure 2, element 20 indicating the column and see in same figure element 48 which is the front wheel), a left and a right trailing arm each including a front portion pivotally attached to said front column (see elements 50 and 52), and each including a rear portion having a rear wheel attached thereto, and each including a foot pedal disposed thereon to support users (see elements 66), and a link including two ends coupled to said left and said right trailing arms respectively, and including an intermediate portion coupled to said front column through an extension, to allow said left and said right trailing arms to be operated by said front column (see for applicants convenience reproduced Figure 3 below indicated the column and its connection through the intermediate link portion and the two end links being connected to each of the respective trail arms).

Referring to claim 4, Feng teaches a link including a barrel, which is provided in said intermediate portion of the link to receive a said pin (see figure 3, a barrel is made by the walls 75,74 and the connective wall to the column provided in said intermediate portion of the link receiving pin 73).

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Referring to claim 5 Feng teaches said link including a housing provided in said intermediate portion receiving a barrel in housing (see Figure 3, the surrounding structure enclosing the barrel up to the walls of the end links).

Referring to claim 6, Feng teaches a resilient member coupled between said housing and barrel, to resiliently support the barrel in housing. (See Figure 3, elements 70 and 71 indicating a resilient member coupled between housing and barrel to resiliently support barrel in the housing).

Referring to claim 7, Feng teaches a resilient member of the link including a sleeve engaged around the barrel with a one rib coupled between the sleeve and housing. (See figure 11 element 92 showing resilient member having a sleeve engaged around barrel with one rib coupled between the sleeve and housing).

Referring to claim 8, Feng teaches a pin including a non-circular cross section. (See figure 3, element 72 showing coupled end link with a pin).

Referring to claim 10, Feng teaches a link having a barrel able to receive barrel. (See Figure3, element 73 showing housing provided of said ends to house barrels).

Referring to claim 11, Feng teaches a housing able to receive barrel. (see Figure 3, element 73 showing housing provided of said ends to house barrels).

Referring to claim 12, Feng teaches a housing including a resilient member between housing and barrel resiliently supporting barrel in housing. (see figure 3 element 62 showing a housing and barrel resiliently supporting barrel in housing).

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Referring to claim 13 Feng teaches a sleeve around the barrel having a sleeve engaged around barrel with one rib and between sleeve and housing. (See figure 11 element 92 consisting of a rib coupled between sleeve and housing).

Referring to claim 14 Feng teaches a front column including a front tube, a steering shaft rotatably disposed concentrically within tube (see element 32), front wheel provided on bottom of steering shaft with handle provided on top of steering shaft (see figure 1).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. ~~Ascertaining the differences between the prior art and the claims at issue.~~
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Feng in view of Liu'302 (US Patent No. 6,554,302). Feng discloses the cambering vehicle as set fourth above, but does not teach a pivotal connection between the front and rear segments of the trailing arms. Liu discloses a cambering vehicle wherein of the

left and right trailing arms has a front segment pivotally attached to front column (see figure 5), a rear segment pivotally secured to the front segment allowing rear segment to be rotated relative to front segment (see figure 5). At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to provide a pivot between the front and rear segment of the trailing arms disclosed in fang in view of the teaching disclosed in Liu. The motivation would have been to allow the trailing arms to be folded compactly relative to the front column for storage purposes.

Referring to claim 16 Liu teaches where the trailing arms include a latch to lock the front and rear segments together (examiner construes providing bolts through holes 53 and 54 as constituting a lock, allowing the segments to lock together.

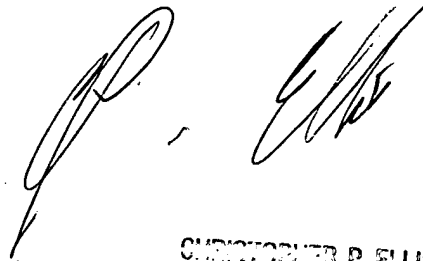
8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Feng in view Liu'302 and further in view of Beleski (US Patent No.6, 499,751).

Feng in view Liu teaches all the elements of the current invention except for the recessed seat allowing for selective engagement in order to allow collapsing to a storage configuration. In the same field of endeavor, Beleski teaches a selective engagement which allows for the same function of collapsing the trailing arms along with the column in a storage configuration (see Figure 5). It would have been obvious to one skilled in the art at the time that the invention was made to have modified Feng in view of Liu'302 and incorporated the teaching of Beleski in order to incorporate the collapsing mechanism and allow the tricycle to be stored. Note that while Beleski does not teach the same structure of recess, the reference teaches an alternative functional



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equivalent allowing for the same function of collapsing the trailing arms for storage purposes.



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